

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
LYS A. Warburton, R.N.,	:	
RESPONDENT.	:	ORDER 0000241

Division of Enforcement Case # 09 NUR 166

The parties to this action for the purposes of Wis. Stat. § 227.53 are:

Lys A. Warburton, R.N.
1355 Tenth Street
Fennimore, WI 53809

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Board of Nursing
Department of Regulation & Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Board of Nursing. The Board has reviewed the attached Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Lys A. Warburton, R.N., (DOB 08/12/1963) is duly licensed as a registered nurse in the State of Wisconsin (license # 30-136006). This license was first granted on August 9, 2000.

2. Respondent's most recent address on file with the Wisconsin Board of Nursing is 1355 Tenth Street, Fennimore, Wisconsin, 53809.

3. On or about May 7, 2009, while working at a nursing home, Respondent was alerted by a nursing assistant that a resident was lying on the floor in the living room with his tab alarm sounding. Respondent was talking on her cell phone on personal business and did not immediately respond.

4. A second nursing assistant alerted Respondent that the resident was on the floor. Respondent observed the resident on the floor and directed the nursing assistants to let him lie there until after rounds. She did not assess the resident.

5. The resident was on the floor for approximately 45 minutes, without apparent harm.

6. Respondent states that the resident often slept on the floor, and as he was not flailing in distress, she assumed he was taking a nap.

CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing has jurisdiction to act in this matter, pursuant to Wis. Stat. § 441.07, and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stat. § 227.44(5).

2. The conduct described in paragraphs 3-6 above constitutes a violation of Wisconsin Administrative Code § N 7.03(1) and subjects Respondent to discipline pursuant to Wis. Stat. § 441.07(1)(c).

ORDER

IT IS ORDERED:

1. Respondent, Lys A. Warburton, R.N., is REPRIMANDED for the above conduct.

2. Respondent's license to practice nursing in the State of Wisconsin, and her privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact, is LIMITED as follows:

a. Respondent, at her own expense, shall complete four (4) hours of pre-approved continuing education in nursing ethics, and four (4) hours of pre-approved continuing education in nursing assessments, within 90 days of the date of this Order. Respondent is responsible for finding appropriate courses and submitting the course information to the Board for approval prior to taking the course and in sufficient time to obtain board approval within the 90-day time frame, taking into account the Board's meeting schedule.

b. For a period of at least two (2) years from the date of this Order, Respondent shall arrange for quarterly reports from her nursing employer(s) reporting the terms and conditions of her employment and evaluating her work performance. These reports shall be submitted to the Department Monitor in the Department of Regulation and Licensing Division of Enforcement, at P.O. Box 8935, Madison, Wisconsin, 53708-8935.

c. Respondent shall notify the Department Monitor of any change of nursing employment during the time in which the Order is in effect. Notification shall occur within fifteen (15) days of a change of employment and shall include an explanation of the reasons for the change.

3. Respondent shall, within 90 days of the date of this Order, pay to the Department of Regulation and Licensing costs of this proceeding in the amount of \$250.00 pursuant to Wis. Stat. § 440.22(2).

4. Work reports, requests for approval, notification of completion of educational programs and payment shall be faxed, mailed or delivered to:

Department Monitor
Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935
Fax (608) 266-2264
Telephone (608) 267-3817

5. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event that Respondent fails to pay costs as ordered or fails to comply with the ordered continuing education, Respondent's license may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

6. This Order is effective on the date of its signing.

Wisconsin Board of Nursing

By: Marilyn Kaufmann
A Member of the Board

6/3/10
Date